



Department of Defense DIRECTIVE

NUMBER 1332.23

February 19, 1988

ASD(FM&P)

SUBJECT: Service Academy Disenrollment

- References: (a) DoD Directive 1332.23, "Service Academy Separations." May 9, 1968 (hereby canceled)
- (b) Title 10, United States Code, "Armed Forces," Sections 516; 651; 2005; 2005(c), (d), and (f)(2); 4348(a) through (c); 6959(a) through (c); and 9348(a) through (c), as amended by Public Law 99-145, Section 512
 - (c) DoD 7220.9-M, "Accounting Manual," October 1983, authorized by [DoD Instruction 7220.9](#), October 22, 1981
 - (d) through (j), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to:

1.1. Update uniform policies and reporting procedures for disenrolling U.S. Military, Naval, and Air Force Academy cadets and midshipmen before completing the course of instruction or after graduation if they do not accept or are not offered appointments as commissioned officers.

1.2. Establish reimbursement policies for cadets and midshipmen failing to complete their required active duty period when called to active duty, and for those not called to active duty.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments (hereafter referred to collectively as "DoD Components"); cadets and

midshipmen attending the U.S. Military Academy, West Point, New York; the U.S. Naval Academy, Annapolis, Maryland; and the U.S. Air Force Academy, Colorado Springs, Colorado (hereafter referred to as "Service academies"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

It is DoD Policy that:

4.1. Active duty service is the primary means of reimbursement for education.

4.2. Cadets and midshipmen disenrolling or those disenrolled from a Service academy normally shall be called to active duty in enlisted status.

4.3. Individuals failing to complete the required active duty period or who are ordered by the Secretary of the Military Department concerned to reimburse the United States under 10 U.S.C. 2005 (reference (b)) ordinarily shall be required to reimburse the Government for education costs commensurate with time remaining on the active duty obligation when discharged.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall:

5.1.1. Establish overall DoD policy and provide guidance for the conduct and administration of a uniform Service academy disenrollment policy.

5.1.2. Resolve matters of conflict that may arise among the Military Departments on Service academy disenrollments.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Comply with this Directive.

5.2.2. Prescribe a written agreement when providing a Service academy appointment to qualifying persons who agree to conditions in subparagraphs 6.2.1.1. through 6.2.1.4., below, and are otherwise qualified.

5.2.3. Prescribe regulations on the following:

5.2.3.1. A breach of a cadet's and/or midshipman's "agreement to serve" for the purpose of ordering that individual to active duty.

5.2.3.2. Procedures for determining whether such a breach has occurred.

5.2.3.3. Standards for determining the period of time for which a person may be ordered to serve on active duty under section 6.1., below. (See 10 U.S.C 4348(c), 6959(c), and 9348(c) (reference (b)).)

5.2.4. Establish and maintain jointly developed, uniform accounting procedures for accumulating the cost of education at their respective Service academy. These procedures shall be consistent with DoD 7220.9-M and DoD Directive 5010.38 (references (c) and (d)). A standard method for computing reimbursement of the cost of education shall be in these procedures, and accounts receivable shall be recorded under the following:

5.2.4.1. When a cadet or midshipman disenrolls or is disenrolled from a Service academy, establish an accounts receivable for the cost of education.

5.2.4.2. Reduce the accounts receivable proportionately each month as the required period of active duty is served.

5.2.5. Prescribe the repayment procedures of an individual's outstanding debt so that the total amount due, interest rate based on 10 U.S.C. 2005(f)(2) (reference (b)), monthly repayment schedules, repayment method, and other information clearly shall be explained in writing to the debtor.

5.2.6. Ensure that proper credit management and debt collection procedures are followed under DoD Directive 7045.13 (reference (e)), to include prescribing repayment procedures of an individual's outstanding Service academy loan obligation.

6. PROCEDURES

The following procedures shall be used when a cadet or midshipman is disenrolled from a Service academy:

6.1. Ordering Disenrolled Academy Cadets and Midshipmen to Active Enlisted Service

6.1.1. A cadet or midshipman entering a Service academy directly from civilian status assumes a Military Service obligation (MSO) of 8 years, under 10 U.S.C. 651 (reference (b)) and DoD Directive 1304.25 (reference (f)). If an appointment is terminated before graduation due to a cadet's or midshipman's breaching his or her agreement, or if a cadet or midshipman refuses to accept a commission following graduation, the MSO shall be equivalent to the period for which the member is ordered to serve on active duty or in the Reserve component in an applicable enlisted status. He or she may be ordered to active duty for a period not to exceed 4 years under sections 4348(b), 6959(b), and 9343(b) of reference (b). The following policies apply to cadets or midshipmen disenrolled from a Service academy entering the Service academy directly from civilian status:

6.1.1.1. Fourth and Third Classmen (First and Second Years). A fourth or third classman disenrolling shall have no active duty obligation.

6.1.1.2. Second Classmen (Third Year). A second classman resigning before the start of the second class academic year or disenrolling for cause resulting from actions that occurred only before the start of the second class academic year shall be discharged as if he or she were a fourth or third classman.

6.1.1.3. Second or First Classmen (Third and Fourth or Subsequent Years). Any second or first classman who is disenrolled and who, for reasons of demonstrated unsuitability, unfitness, or physical disqualification, is not suited for enlisted Military Service, shall be discharged in accordance with the current Military Service regulations that implement this Directive. Other second or first class cadets and midshipmen disenrolling after the beginning of the second class academic year, but before completing the course of instruction, may be transferred to the Reserve component in an enlisted status and ordered to active duty for not less than 2 years, but not more than 4 years, under 10 U.S.C. 4348(b), 6959(b), or 9348(b) (reference (b)).

6.1.1.4. Any first classman completing the course of instruction and declining to accept an appointment as a commissioned officer may be transferred to the respective Reserve component in an enlisted status and ordered to active duty for 4

years or transferred to a Reserve component under sections 4348(b), 6959(b), and 9348(b) of reference (b) and in accordance with DoD Directive 1235.10 (reference (g)).

6.1.2. The disposition of cadets and midshipmen entering a Service academy from the Regular or Reserve component of any Military Service and then not completing the program shall be determined under section 516 of reference (b), as follows:

6.1.2.1. Fourth and Third Classmen (First and Second Years). If disenrolled before the beginning of the second class academic year, the cadet's or midshipman's Military Service commitment shall be equal to the time not served on the original enlistment contract, with all service as a cadet or midshipman counted as service under that contract. Those individuals with less than 1 year remaining in the original enlistment contract may be discharged on approval of the disenrollment by the Military Department concerned.

6.1.2.2. Second or First Classmen (Third and Fourth or Subsequent Years). If upper division class members (first and second classmen) are disenrolled, their Military Service commitment shall be the same as in subparagraphs 6.1.1.3. and 6.1.1.4., above, or shall be equal to the time not served on the original enlistment contract (with all service as a cadet or midshipman counted as service under that contract), whichever period is longer.

6.1.2.3. A cadet or midshipman who entered into a Service academy from the Regular or Reserve component of the Military Service who is subsequently disenrolled from a Service academy and who, because of demonstrated unsuitability, unfitness, or physical disqualification, is not suited for enlisted Military Service shall be discharged under applicable regulations implementing DoD Directive 1332.14 (reference (h)), or other Military Department regulations that specifically address disenrolling of cadets or midshipmen.

6.1.2.4. Whether transferred to the Reserve component or reverted back to active duty status, the disenrolled cadets and midshipmen shall retain their prior enlisted grade.

6.1.3. A cadet or midshipman tendering a resignation shall be required to state a reason for this action. A resignation may be accepted when in the interest of the Military Service. Accepting the resignation shall not in and of itself constitute a determination of the member's qualification for enlisted Military Service.

6.1.4. Ordinarily, disenrolled cadets and midshipmen shall be ordered to Reserve or active duty status if qualified as prescribed in paragraphs 6.1.1. and 6.1.2., above.

6.1.4.1. This shall not preclude the Military Department from considering humanitarian reasons, Military Service needs, or other mitigating circumstances for waiving active enlisted service and reimbursement charges for disenrolled cadets and midshipmen. Such considerations shall be documented carefully by the Military Department concerned, which also shall make final decisions on active enlisted status.

6.1.4.2. Persons medically disqualified from further Military Service shall be separated and shall not be obligated further for Military Service or for reimbursing education costs (absent evidence of fraud, concealment, gross negligence, intentional misconduct, or misrepresentation).

6.2. Active Duty Commitment and Reimbursement Agreement for Service Academy Students. Active duty service is the primary means of reimbursement for education. Cadets or midshipmen who are not ordered to active duty due to their misconduct or because they petition to be relieved of active duty obligations may be required to reimburse the Government for the cost of their advanced education.

6.2.1. As a condition for providing education at a Service academy, the Secretary of the Military Department concerned shall require that each cadet or midshipman enter into a written agreement in which he or she agrees to do the following:

6.2.1.1. To complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement if called to active duty or, at the option of the Secretary of the Military Department concerned, to reimburse the United States, as prescribed in subparagraph 6.2.1.3., below.

6.2.1.2. That if such cadet or midshipman fails to complete the educational requirements specified in the agreement, such person if so ordered by the Secretary of the Military Department concerned, shall serve on active duty for a period specified in the agreement.

6.2.1.3. That if such person, with the approval of the Secretary concerned or because of misconduct, voluntarily fails to complete the period of active duty specified in the agreement, he or she shall reimburse the United States in an

amount that bears the same ratio to the total cost of advanced education received as the unserved portion of active duty bears to the total period of active duty such person agreed to serve.

6.2.1.4. To such other terms and conditions as the Secretary concerned may prescribe to protect U.S. interest.

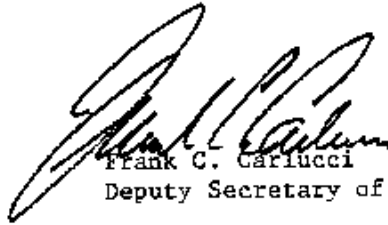
6.2.2. The obligation to reimburse the United States is a debt to the United States. A discharge in bankruptcy under 11 U.S.C. 523 (reference (i)) shall not release a person from an obligation to reimburse the United States under the terms of an agreement prescribed in this Directive if the final decree of the discharge in bankruptcy shall have been issued in a 5-year period after the last day of a period when this person shall have agreed to serve on active duty. This Directive applies to a discharge in bankruptcy in any proceeding that began after September 30, 1978, under 10 U.S.C. 2005(c) and (d) (reference (b)).

6.3. Agreements. The agreement signed by cadets and midshipmen entering as fourth classmen shall contain the active duty and discharge provisions in this Directive.

6.4. Change in Status Notification. When a cadet or midshipman is disenrolled from a Service academy and discharged from the Service concerned, the Selective Service System shall be notified of the individual's status change.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 120 days.



Frank C. Cariucci
Deputy Secretary of Defense

Enclosures - 2

- E1. References, continued
- E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (d) [DoD Directive 5010.38](#), "Internal Management Control Program," July 16, 1984
- (e) DoD Directive 7045.13, "DoD Credit Management and Debt Collection Program," August 22, 1983
- (f) DoD Directive 1304.25, "Fulfilling the Military Service Obligation," March 17, 1986
- (g) [DoD Directive 1235.10](#), "Mobilization of the Ready Reserve," October 24, 1986
- (h) [DoD Directive 1332.14](#), "Enlisted Administrative Separations," January 28, 1982
- (i) Section 523 of title 11, United States Code, "Bankruptcy"
- (j) Section 201 of title 37, United States Code, "Pay and Allowances of the Uniformed Services"

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Academic Year. Begins the first day of the fall semester.

E2.1.2. Agreement. Under this Directive, the agreement signed by a cadet and/or midshipman under 10 U.S.C. 2005, 4348(a), 6959(a), or 9348(a) (reference (b)).

E2.1.3. Cadets and Midshipmen. U.S. citizens having been appointed to one of the Service academies as cadets or midshipmen.

E2.1.4. Cost of Education. Those costs that are attributable directly to educating a person at a Service academy under regulations prescribed by the Secretary of the Military Department concerned and approved by the Office of the ASD(FM&P) (OASD(FM&P)) and the Office of the Assistant Secretary of Defense (Comptroller) (OASD(C)). Such costs include a reasonable charge for the provided education, books, supplies, room, board, transportation, and other miscellaneous items furnished at Government expense. Excluded are the costs for cadet or midshipman pay and allowances, under 37 U.S.C. 201 (reference (j)), for uniforms, military training, and support for nonacademic military operations.

E2.1.5. Disenrollment. The voluntary or involuntary termination of a cadet or midshipman status from one of the Service academies.